

**CALIFORNIA COASTAL COMMISSION**

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# Thu 10c

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REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-7

Applicant: County of San Diego

Agent: Jeffrey Redlitz

Description: Construction of a 14-acre public park on the site of the County Administration Center parking lots. The project includes demolition and removal of an existing 1,100 car surface parking lot and an existing administrative office building and replacement with public lawns, greenspaces and decorative paving. Construction of two single-level underground parking structures on-site will provide 381 parking spaces, and a new 650-space off-site parking structure will be constructed outside the coastal zone.

Site: 1600 Pacific Highway, San Diego, San Diego County. APN 533-590-01.

Substantive File Documents: Certified City of San Diego Centre City Community Plan and Centre City PDO; Certified San Diego Port District Port Master Plan; Final EIR for the San Diego County Administration Center Waterfront Park Development and Master Plan, April 2003, by BRG Consulting.

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed waterfront park. The park will create a new low-cost, visitor-serving, public recreational facility on San Diego's waterfront. Special Conditions have been added requiring a Parking and Transportation Demand Program to ensure that adequate public parking is provided and that no adverse impacts to public access occur. Staff is recommending a redesign of the public walkways along the extension of Date and Beech Streets to widen the view corridors between the proposed landscaping trees to ensure that public views of the water and shoreline are maximized to the greatest extent feasible. The County is not in agreement with the proposed redesign.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-03-7 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Parking and Transportation Demand Management Program **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, a Parking and Transportation Demand Management Program that includes, at a minimum, the following items:

- a. Programs promoting carpooling and public transit usage, the provision of bicycle racks, and an analysis of the feasibility of such programs as telecommuting;

- b. A commitment that, during business hours, on-site parking fees for the general public shall not exceed that of the cost of street meter parking surrounding the County Administration Center;
- c. A commitment that the 650 off-site employee parking spaces shall be made available to the public outside of business hours.

The permittee shall undertake the development in accordance with the approved program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Revised Final Plans. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director final plans for the proposed development that substantially conform with the plans by Hargreaves Associates, 2003, but shall be revised to indicate that the trees alongside the proposed walkway at the extensions of Beech and Date Street be spaced such that a 50-foot canopy-to-canopy view corridor is provided to maximize unobstructed public views of San Diego Bay down Beech and Date Streets.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Final Landscape Plans/Runoff. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a detailed final landscape plan for the proposed development. Said plan shall be in substantial conformance with the draft landscape plan submitted with this application by Hargreaves Associates, 2003, but shall be revised to include the following:

- a. A plan showing the type, size, extent and location of all proposed vegetation and any necessary irrigation;
- b. Drought tolerant natives shall be emphasized; non-invasive plant materials must be utilized throughout the project site;
- c. Low-flow efficient irrigation systems shall be utilized;
- d. Opportunities for directing runoff from the hardscape features to permeable spaces for infiltration shall be utilized to the maximum extent feasible. Where this is infeasible, maintain post-development peak runoff rate and average volume at levels that are no greater than pre-development levels.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed project is creation of a park surrounding the existing County Administration Center. The County Administration Center (CAC) consists of the CAC building itself, which houses a variety of governmental offices and is a historic structure, the south parking lot (483 spaces), the north parking lot (617 spaces), the Askew Building, which is an administrative office building, and various walkways, sidewalks, and a grassy lawn area. The 16.62-acre parcel is located between Grape Street and Ash Street, fronting Harbor Drive in downtown San Diego. Harbor Drive is the first public roadway along San Diego Bay, and is a major coastal access route.

The proposed project would remove the existing 1,100-space parking surface parking lots and demolish the Askew Building in order to create a 14 acre civic greenspace consisting of various "Garden Rooms," including five diverse botanical areas, a Children's Play Garden, a Sculpture Garden, a promenade, fountain, lawns, and terraces.

In order to partially replace the existing parking lots, and to meet the demand for parking for CAC building employees, park users and waterfront public access parking, the project proposes the construction of two underground parking structures. The north parking structure (approximately 152 parking spaces) would be accessed from Pacific Highway and Grape Street, and a south structure (approximately 98 parking spaces) from Ash Street.

In addition to these 250 spaces, additional on-site parking will be provided as following: 40 on-street public parking spaces would be added along the north side of Ash Street, 27 spaces along Grape Street and Pacific Highway, and use of tandem parking on an as-needed basis would provide an additional 64 spaces in the underground garages.

Off-site, approximately 650 parking spaces would be provided with the development of a parking structure located approximately one block from the CAC on the southwest corner of Kettner Avenue and Cedar Street, is a site currently owned by the County and located outside of the Coastal Zone (see Exhibit #2). As currently proposed by the County, the 650-stall requirement could be met entirely on the Cedar/Kettner site, or in combination with other locations deemed suitable by the developer. Finally, an additional 66 employee parking spaces would be provided at the existing Trolley Towers parking garage, several miles away, outside the Coastal Zone, at 1255 Imperial Avenue. In total,

approximately 1,097 on and off-site parking spaces would be made available through the proposed project.

The EIR for the project also analyzed the potential inclusion in the park of approximately 0.65 acres within the Harbor Drive right-of-way to the east of the eastern street curb, plus 1.2 acres from the east curb of Harbor Drive to a line 36 feet farther west (now used for access to the diagonal parking along Harbor Drive). These combined western 1.85 acres are under the jurisdiction of the San Diego Unified Port District, and contain street and utility easements granted to the City of San Diego. The County is currently seeking an agreement with the City and Port District to include this area in the proposed project. However, since the Port has not yet agreed to the inclusion of this area in the park, and developing this area as park would require an amendment to the Port Master Plan, this aspect of the project is not included within the subject permit application.

The County Administration Center is located in the City of San Diego's Centre City Community Planning Area, but was excluded from the City's Local Coastal Program at the time it was certified, and remains within the coastal permit jurisdiction of the Commission. Thus, the standard of review is the Chapter 3 policies of the Coastal Act.

2. Parking/Public Access. Numerous policies of the Coastal Act require that new development protect or enhance public access to and along the shoreline. These policies include:

#### Section 30210

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

#### Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

#### Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of

new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Currently, during business hours, of the 1,100 parking spaces on the site, 922 spaces are designated for employees only, and 178 spaces are designated as free 2-hour visitor parking. On nights and weekends, only the south lot is open, and at that time, 504 spaces are open to the public as paid parking, at a cost of \$5.00 after 6 p.m. daily and all day Saturday. The lot closes at 2 a.m.

The EIR for the project estimated the future demand parking by analyzing employee parking demand, general population growth, parking demand for the proposed new park, and public parking demand associated with any on-street parking lost due to the potential expansion of the park into the Harbor Drive. The study determined that employee parking demand would be 671 spaces, and the public parking demand would be 270 spaces.

As described above, there would be a total of 1,097 parking spaces provided. These include 250 onsite subterranean parking spaces, with the ability to accommodate another 64 tandem spaces during periods of peak public demand. Out of these 314 spaces, 10 spaces would be set aside for carpool use, 16 for elected officials and VIPs, leaving 288 onsite, off-street spaces for the public for CAC visitors, park, and waterfront users during working hours. Before or after working hours and on weekends, the entire 314 spaces would be available to the public. An additional 67 on-street spaces adjacent to the subject site would also be created.

Another 650 parking spaces would be provided at the planned offsite Cedar/Kettner parking structure and additional sites proposed by a development Request for Proposals now under consideration by the County. The County would also designate 66 of the 247 County-owned parking spaces within the Trolley Towers parking facility on Imperial Avenue for CAC employee parking. Employees would be provided with a free trolley pass to the CAC.

Thus, the proposed project would provide more than enough public and employee parking to meet demand as determined by the parking demand study. And compared to the existing situation, during working hours, there would be an increase in the amount of public parking available (288 spaces compared to 178). However, after hours, there would be 381 public parking spaces available (314 plus the 67 on-street spaces), which is a substantial decrease compared to the 504 spaces currently available.

Although at this time it appears that there would generally be sufficient public parking provided, there are peak periods such as special events or holidays where parking at the waterfront is at a premium, and the proposed project would provide less parking than currently exists. In addition, underground parking, while visually superior to surface or structure parking, tends to be less well utilized by the public, particularly visitors who may not be aware of the parking and be discouraged from the waterfront by lack of parking.

In order to offset these factors, Special Condition #1 requires that the County make the 650 off-site employee parking spaces available to the public outside of business hours.

In order to preserve the on-site parking for the public, on-site parking will most likely have a time limit. Time guidelines for public parking in the vicinity of the CAC are restricted by the mitigation monitoring program for the North Embarcadero Visionary Plan Final EIR. The Visionary Plan is a guiding document for development of the North Embarcadero area for both the Port and the City of San Diego; however, the Visionary Plan is not part of the Port's certified Master Plan or the City's certified LCP. The CAC underground public parking spaces will allow longer than a 3-hour maximum parking time, although a limit of 4 hours could be established to promote parking turnover and increase visitation to the CAC, the Waterfront Park and Embarcadero attractions.

No final determination has been made at this time as to whether or not a parking fee will be charged. However, a guideline for parking fees will be based on; 1.) existing cost of street meter parking surrounding the CAC, 2.) charges for public parking in the existing south CAC lot. 3.) current market rates for public parking in the CAC vicinity, and 4.) parking fee adjustments accounting for increased maintenance, security and general operating expenses. Formal action by the Board of Supervisors on these issues is not expected to occur until midpoint in project construction. The off-site employee parking is expected to be free. However, if parking on-site were to be more expensive than surrounding metered street parking, it is likely that patrons of the CAC would use the surrounding public parking instead, thereby displacing waterfront visitors. Therefore, Special Condition #1 requires that the on-site parking fee not exceed that of the cost of street meter parking surrounding the CAC during business hours.

The County has also developed a phasing plan during construction to ensure that parking remains available throughout construction (see Exhibit #6). A minimum of 276 public parking spaces will remain available throughout construction in a combination of surface and structure parking, and 600-700 employee parking spaces will be provided. Therefore, no short-term public access impacts are expected to result from the project.

With regard to parking and traffic reduction strategies, the County currently encourages carpooling and transit use at all facilities. The County currently provides public transportation reimbursement. The proposed project includes typical parking management strategies such as providing off-site employee parking, and the proposed CAC parking structures will include 10 employee carpool/vanpool stalls as a requirement of North Embarcadero Visionary Plan FEIR mitigation. As a result of the project, approximately 10% of the current CAC employees would be relocated to other County offices in Kearny Mesa or elsewhere in San Diego County, thereby reducing downtown traffic. (Additional employees will be relocated, but to other downtown areas). The area is currently served by both bus and trolley transit service, which will not be adversely affected by the proposed project. The traffic study performed for the project estimates that currently 30% of employees at the CAC already do not drive to work, but carpool, take transit, or bicycle to work.

To ensure that these and other transportation demand management strategies continue to be implemented at the site, Special Condition #1 requires the County to submit a Transportation Demand Management (TDM) program that includes programs promoting carpooling and public transit usage, the provision of bicycle racks, and an analysis of the feasibility of such programs as telecommuting.

In summary, the proposed waterfront park is a low-cost, visitor-serving public recreational facility that will increase access and recreational opportunities along the shoreline. As conditioned, the proposed project will provide adequate employee, patron, and park visitor parking. No short or long-term adverse impacts on public access will result from the project, consistent with the public access policies of the Coastal Act.

3. Visual Resources. Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The certified Centre City Community Plan (CCCP) includes the following urban design objectives:

**Objectives**

[...]

3. Protect views of the bay by establishing view corridors, which accentuate key public rights-of-way (streets and sidewalks, both existing and proposed) with appropriate zoning, setbacks and design standards. Further protect major bay views from key freeway points and similar locations by clustering of tall buildings, slender towers, proper building orientation and floor area restrictions and height limits where necessary.
4. Continue to develop the waterfront as Centre City's primary open space, park and playground, which is both physically and visually accessible to the public.
5. Enhance the principal streets traversing downtown with particular emphasis on Broadway and Fifth Avenue. Aim for interesting, tree-lined streets throughout Centre City with all buildings designed to be pedestrian-friendly at ground level.

The proposed project is within the boundaries of the certified Centre City Community Plan (CCCP) and the Centre City Planned District Ordinance. Although the site is within a deferred certification area and Chapter 3 of the Coastal Act is the standard of review, the certified Centre City plans contain useful guidance with regard to the protection of views and view corridors.



The proposed project would promote development of the waterfront as a primary open space, park and playground that is both physically and visually accessible to the public as stated in the CCCP. In addition, CCCP Design Guidelines for the Pacific Highway - County Administrative Center Design Zone have been incorporated into the site design for the proposed project. These guidelines state that new development should form a visually-consistent 'frame' around the historic CAC Building, and create a unified architectural district with a strong civic identity focusing on the historic CAC and grounds. Overall, the project would clearly and significantly enhance the visual quality of the area by replacing existing parking lots with new public greenspaces while preserving the historic CAC Building.

The Centre City Community Plan and the Centre City PDO identify view corridors along numerous downtown streets, including Pacific Highway, Grape Street, Ash Street, Beech Street, Cedar Street, and Date Street. The Beech Street and Date Street corridors extend through the CAC site, and the Cedar Street corridor ends at the CAC building (see Exhibit #4).

Because the project does not involve changes to the CAC, there will not be any impact to the Cedar Street view corridor. The EIR for the project analyzed existing views toward San Diego Bay along the Beech Street and Date Street view corridors. Currently, thick vegetation along Pacific Highway blocks Bay views from some of the Beech Street corridor, but Bay views are available from the eastern portion (see page 14). The proposed project would remove the existing vegetation thereby opening views along Beech Street. San Diego Bay is currently visible from Date Street. The park design includes a pedestrian walkway extending down from the street end at both Beech and Date Street, preserving an open view down the street corridor. The project will also open an additional view corridor along Fir Street by the proposed removal of the Askew Building that currently blocks views from Fir Street. Potential view impacts result from the fact that the proposed walkways along the designated view corridors will be lined with trees.

The County has taken a three-tiered approach to designing around the view corridors along Beech and Date Streets. The certified City of San Diego PDO allows trees within view corridors, and in fact, the Centre City Streetscape Design Manual requires the use of specific street trees within street rights-of-way. As proposed, the park trees proposed for the park along the extension of Beech Street and Date Street would have heights of 25 to 30 feet, with a base elevation of approximately 12 feet above MSL. The resulting elevations of the treetop would be less than 42 feet above MSL. Based on the estimated view elevations in the EIR, viewers in both corridors from India Street east would see the Bay above the tops of the park trees, as well as between the canopies of the trees. Wider views of the Bay would be provided between the trees as the viewer moves closer to the Waterfront Park, and the angular distance between the trees increases. At the elevation of Pacific Highway, the view corridors would be visible below the tree canopy. However, in the blocks between these two points, there would be some narrowing of the view corridor, in return for the aesthetic benefit of having a tree-framed view.

In response to public comments about potential view corridor impacts, the distance between tree trunks along the two lines of trees border in the proposed paths within the view corridors have been increased to 52 feet. As proposed, the County will carry out selective pruning of the canopies of the park trees along the view corridors to maintain a north-south distance between tree canopies at a minimum of 24 feet in width.

However, the Commission is concerned that the distance proposed between the two lines of trees (both the trunks and the canopies) is still insufficient to preserve and enhance views from Beech and Date Streets across the site. As proposed, trees will project into the views of the Bay from both Beech and Date Streets, diminishing views that currently exist. Both streets now end at the project site. The applicants argue that if the streets were extended through the site, rather than a pedestrian path, there would be an approximately 56-foot trunk-to-trunk distance between the trees with an unobstructed view along the “driving corridor” of approximately 24-feet, which would be similar to what the applicant is proposing (see Exhibit #7)). However, although they may be installed in the future there are currently few street trees actually in place along Beech and Date (see Date Street photo on page 14). If trees are not planted along the street, there could be a much wider view preserved and created. Thus, the proposed trees would limit the potential maximum views that could be achieved along these view corridors. Therefore, in order to ensure that the maximum view corridor is provided for along the walkway, Special Condition #2 requires that the trees be spaced such that a 50-foot canopy-to-canopy view corridor is provided. Fifty-feet is the approximate curb-to-curb width of both Beech and Date Streets, and thus represents a reasonable maximum view corridor. Therefore, as conditioned, Bay views between the trees will be preserved and expanded.

The Commission recognized that the issues of views can be subjective; a tree-framed view may be as or more desirable than a more open view. The Commission also recognizes that requiring the expanded view corridor will likely require that at least one line of trees along both the Beech and Date Street pathway be eliminated, and/or require a redesign of the garden areas adjacent to the paths. Nevertheless, given the limited number of opportunities for expanding Bay views in San Diego’s downtown, the potential loss or relocation of some new trees in the proposed park is offset by the gain in the view corridors.

As proposed, there will be one structure located slightly within a view corridor. Because of project site constraints, the park designers have proposed a small parking garage access structure that extends two feet into the Beech Street view corridor. While this is not consistent with PDO restrictions of structures within view outdoors, in this case there would be little impact. Even as revised above, most of the views of the structure would likely be blocked by the park trees to be planted in the view corridor, and thus, the slight intrusion into will not substantively change the quality of the view.

In summary, as conditioned, the project will significantly improve the visual quality of the waterfront area through the creation of new public greenspaces. Existing designated

view corridors would be preserved and enhanced, and new views across the site would be created. Therefore, the project would not result in significant impacts to visual quality or view corridors, consistent with Section 30251 of the Coastal Act.

4. Runoff/Water Quality. Section 30230 of the Coastal Act requires that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act requires that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30231 of the Act requires that the biological productivity of coastal waters, streams, etc., be maintained by, among other means, controlling runoff.

The project proposes removal of approximately 9.25 acres of existing impervious surface (parking lots and the Askew Building), to be replaced primarily with permeable, vegetated surfaces. Even with construction of the proposed underground parking structures and the hardscape features in the park, the project would leave more permeable surface area than currently exists on the site, thus potentially improving drainage and water quality.

Fertilizers and pesticides associated with the proposed landscaping could result in polluted run-off in the form of nutrients and organic phosphates into San Diego Bay. In addition, the use of non-native, invasive plant species could adversely affect the environmentally sensitive habitat of the Bay or other coastal waters if seeds from these plants species were introduced via runoff or bird feces into coastal waters.

Special Condition #3 requires vegetation selected for landscaping to be native drought-tolerant species or adapted non-invasive material. The use of drought-tolerant vegetation greatly reduces the need for intensive irrigation, which in turn reduces the potential for excessive irrigation to result in nuisance runoff from the site. Additionally, any irrigation system utilized is required to be efficient technologically, which will serve to prevent excess irrigation and resulting nuisance runoff from occurring. Further, native or adapted

plants are well suited to regional conditions, and therefore do not have to be sustained with heavy fertilizer or pesticide applications. Minimizing the need for topical agents such as fertilizer and pesticides should reduce or eliminate their application, thereby minimizing pollutants susceptible to stormwater and nuisance runoff from the site.

The project would require excavation, dewatering, temporary construction and grading activities. All dewatering discharges will be directed into the San Diego sewer system, and mandatory compliance with the County of San Diego Department of Public Works construction stormwater Best Management Practices (BMPs) and the post-construction Storm Water Pollution Prevention Plan (SWPPP), and all local, state, and federal regulations regarding water quality and waste discharge will reduce potential water quality degradation to a level of less than significant. The Commission's water quality staff has reviewed the proposed project and determined that, as conditioned, the proposed project is consistent with the water quality protection policies of the Coastal Act.

5. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The County Administration Center is located in the City of San Diego, which has a certified Local Coastal Program. However, when the Commission certified the Centre City/Pacific Highway Corridor segment of the City's Land Use Plan in January 1988, the Commission deferred certification of the County Administration Center area, finding that the zoning proposed for the area at the time (Central Business District), was not consistent with the certified Land Use Plan. The Commission also noted that there are jurisdictional questions raised about the City and County planning and regulatory roles on this site that is within the City but operated by the County, that supported deferred action and further study.

Thus, the area was excluded from the certified LCP, and remains in the Commission's jurisdiction. The standard of review for coastal development permits issued for development are the Chapter 3 policies of the Coastal Act. As discussed above, the proposed development, as conditioned, can be found consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the project will not have any impacts on coastal resources and will not prejudice the ability of the City of San Diego or the County of San Diego to administer and/or prepare a certifiable Local Coastal Program for the area.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible

mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing public access and visual quality will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



**View towards the Bay from Beech Street at Columbia Street**